

**Dorsey Office Development  
REZONING JUSTIFICATION STATEMENT  
1025 Dorsey Lane  
Louisville, Kentucky 40223**

**REQUEST SUMMARY**

A change in zoning, is requested for a tract of real property comprising 2.897 acres more or less, located at 1025 Dorsey Lane, Louisville, Kentucky 40223 (Property). The Property is situated near the southeast quadrant of the intersection of Hurstbourne Parkway and Dorsey Lane.

The requested rezoning from R-4 Single Family to OR-3 (Office Residential District) would allow for flexibility to be built into the development of a small office development. The office building proposed will be designed to meet Class A office space standards. This type of space is constructed to afford users the most up-to-date, and sought-after interior and exterior amenities.

The rezoning, will adhere to and further promote the design standards and development guidelines discussed in the Comprehensive Plan. As the development moves through the entitlement process, it will cultivate the ideas and suggestions provided by the neighbors and other interested parties, and the Louisville Metro Government via the designated representatives and staff officials. Applicable Guidelines and Policies of the Comprehensive Plan are discussed below.

The proposal is within a mixed use corridor that has been created along North Hurstbourne Parkway. The proposal is surrounded by mixed uses. The proposal is for office zoning and is located along a major arterial and primary collector. Per metro staff findings and traffic research, performed by the applicant, it will have little impact on adjacent residential uses. The proposal will not create a new center but will be for new construction. OR-3 permits other high density residential and office uses. The proposal is compact and located in the vicinity to other similar and more intense uses making the proposal a cost effective investment. Per metro staff findings, the zoning proposed is complementary to other zoning in the area, which encourages a sense of place.

# **CORNERSTONE 2020 COMPREHENSIVE PLAN** **COMPLIANCE**

## **A. COMMUNITY FORM/LAND USE (Guidelines 1, 2, 3, 4, 5)**

The requested rezoning, change in form district and associated land use discussed herein are in compliance with the applicable Community Form Area development policies contained within Comprehensive Plan, as more fully explained below.

### ***Guideline 1. Community Form***

*Use existing and emerging forms or patterns of development and local plans developed in accordance with the Comprehensive Plan to guide land use decisions and design of development.*

According to Core Graphic 1 of the Cornerstone 2020 Louisville and Jefferson County Comprehensive Plan (Comprehensive Plan) the Property lies within the Neighborhood Form Area. No change in form District is necessary. The Neighborhood Form should provide for accessibility and connectivity between adjacent uses and neighborhoods by automobile, pedestrian, bicycles and transit. The Proposal complies with the Comprehensive Plan and Metro Staff comments.

The subject property is currently located in the Neighborhood Form District. It is at the intersection of Hurstbourne Parkway, a major arterial, and Dorsey Lane. To the west of the proposed site, at the southwest corner of Hurstbourne Parkway and Dorsey Lane, is previously-approved and constructed Office and Commercial use. The site will be developed with the same attention to high quality craftsmanship and design as other "Class A" Office developments along the portion of Hurstbourne Parkway.

The proposed development will provide a building, hard-scapes, open spaces, and buffer areas that will be developed to a scale appropriate to address the current and future needs of this growing part of Metro Louisville. This proposed rezoning and development promotes proper planning and demonstrates the Applicants awareness of existing and emerging land-use forms and patterns of development as required under this Guideline 1.

**The Proposal complies with this Guideline of the Comprehensive Plan and Metro Staff comments.**

### ***Guideline 2. Centers***

*Encourage mixed land uses organized around compact activity centers that are existing, proposed or planned.*

In accordance with Cornerstone 2020 and responsible land planning practices, the project will be located on a site accessible by a collector street, and will not interfere with minor residential service streets, and is situated on a major arterial which also serves residential land uses. Per Metro Planning Department Staff, “the proposal is compact and located in the vicinity of other similar and more intense, making the proposal cost-effective investment.”

**The Proposal complies with this Guideline of the Comprehensive Plan and Metro Staff comments.**

***Guideline 3. Compatibility***

*Ensure that land uses and transportation facilities are located, designed and constructed to be compatible with nearby land uses and to minimize impacts to residential areas, schools and other sensitive areas in the community.*

The proposed development adheres to the policies designed to promulgate the intentions of this Guideline. This proposed development will incorporate architectural quality which is compatible with the atmosphere of the surrounding neighborhood and adjacent office and commercial development.

The proposed development will contain a twenty (20) foot landscape buffer along the east property line, a minimum ninety (90) foot with a maximum of two-hundred (200) foot landscape buffer along the south property line, a fifteen (15) foot landscape buffer along the west property line, and a thirty (30) foot landscape buffer along the north property line adjacent to Hurstbourne Parkway.

The layout of the development will incorporate the needs of adjacent landowners and attempt to harmonize its integration into the neighborhood by honoring the existing topographical limitations, community needs and character of the NFD.

The proposed development will create buffers and compatibility designed to enhance and further conserve the areas unique nature by incorporating the following philosophies and development practices, while providing for neighborhood needs, reducing vehicle miles traveled, and forwarding the goal of promoting economic development along established corridors.

1. The development will become integrated with residential areas by the use of appropriate buffering designed and placed to minimize sight, sound, and dust.
2. The development will provide employment that minimizes land use incompatibilities and the impact on public facilities.
3. The development recognizes the special environmental, historic and cultural character of residential areas and adjacent passive open spaces.

4. The proposed development will respect and enhance as necessary public facilities and services that are responsive to the specific needs generated by the residents of this neighborhood residential area.
5. The development further helps to maintain the quality of existing residential neighborhoods by providing amenities and services desirable to live near.
6. Detailed consideration will be given towards the choice of building materials used.
7. Outdoor lighting will be directed down and the source will not be visible beyond the property lines. Parking access is designed to be safe and simple, and utilize methods to minimize impervious land surfaces and retain the semi-rural flavor of the area.
8. Parking areas are shielded from adjacent property views and twenty-two of the spaces are under the proposed building.
9. Signage shall be respectful of the area and shall meet code.
10. Open space on this site equates to 1.48 acres, **which is more than half the acreage of the entire site.**
11. The proposal includes the preservation of landscapes that may be recognized as having historical, intrinsic or architectural value.

**For the aforementioned reasons, the proposed development complies with Guideline 3 of the Cornerstone 2020 Comprehensive Plan, and remains in harmony with Metro Planning Staff comments.**

#### ***Guideline 4. Open Space***

*Ensure well-designed permanently protected open space that meets community needs.*

Neighborhoods often express frustration at the gradual transformation of their once-distinctive communities into formless conglomerations of subdivisions. Our challenge, in creating this town center retail and commercial development is to create a needed land use that will enhance and build upon current growth patterns and further applicable land use regulations and guidelines. To this end, the proposed development adheres to the policies designed to promulgate the intentions of this Guideline.

Open space is provided in the development which is designed to protect natural resources and meet aesthetic needs. The existing stream onsite will be preserved and open spaces will be preserved where appropriate and maintained to a high level. These open space areas as well as the landscape buffer areas will be maintained by the property owner and/or tenants of the development.

The buildings will be situated to benefit from existing vegetation on the site. The proposed development will protect tree lines and soil integrity during site work. Moreover, the site is designed so as not to preclude potential greenway and easement opportunities for adjacent properties. Accordingly, the proposed development meets Guideline 4 of the Cornerstone 2020 Comprehensive Plan.

Open space on this site equates to 1.48 acres, **which is more than half the acreage of the entire site.**

**The Proposal complies with this Guideline of the Comprehensive Plan and Metro Staff comments.**

***Guideline 5. Natural Areas and Scenic and Historic Resources***

*Protect natural areas, natural features and important scenic and historic resources. Locate development, whenever possible, in areas that do not have severe environmental limitations.*

The proposed development is located on a site that will enable the protection of the adjacent physical environment and enhance the character, quality and livability of the community by preserving the natural environment as an integral part of the development process. The development will incorporate landscaping and built features to be compatible with the distinctive character of the adjacent property. The proposed development provides open space within the community, and helps establish a pedestrian system of walkways linking living areas, schools, shopping, and other focal points as part of the open space/landscape plan.

Additionally, the proposed development avoids unnecessary impacts to environmentally sensitive areas to the south and east. The portions of the site proposed for development are situated outside the 100 year flood plain and stream area and will remain conscious of its proximity and incorporate and design features complementary of the environs so as to minimize the development's visual presence and methods of operation.

This development will strive to continue the tone of the nearby areas by creating a development promoting the advancement of environmental, social, and economic viability, as requested by local residents at the September 6, 2016 neighborhood meeting.

**The Proposal complies with this Guideline of the Comprehensive Plan and Metro Staff comments.**

## **B. MARKETPLACE (Guideline 6)**

### ***Guideline 6. Economic Growth and Sustainability***

*Provide a positive culture for attracting and sustaining business within Louisville and Jefferson County.*

The proposed development can benefit the area by keeping local dollars in the community as well as spread tax burden for public facilities maintenance and neighborhood programs to tax-producing properties other than residential. One method to evaluate this benefit is to add the total direct benefits that will accrue to this area in particular from the development: direct sales, payroll taxes, property taxes, and direct construction and total investments into the development. Subtract from this any direct costs to Louisville Metro Government for the development. This should provide a basic ratio of benefits (revenues and investments) to costs.

The proposed development has chosen to locate on a site that will enable primary and secondary job creation in close proximity to existing social infrastructures. To this end, the proposed development adheres to the policies designed to promulgate the intentions of this Guideline. In addition to neighborhood input and Planning Department recommendations the following practices, ideas, and community benefits will be implemented.

- The development will help keep local dollars in the local community.
- The development will spread tax burden for public facilities maintenance and neighborhood programs to other tax producing properties besides residential.
- The development will expand water and sewer services.
- The development will create new tax dollars.
- The development will provide management level and entry-level positions.
- The development will promote flexible working hours by attracting various entry and professional levels as well as promoting work from home options.
- The development will assist in preserving existing standards of living over time.
- The development will create a positive environment.

The Dorsey Office Development estimates that it will create a **Capital Investment of \$3-4 million dollars in this part of Metropolitan Louisville and Jefferson County.**

Below are three tables that delineate estimates of taxes and other fees resulting from the development of this property.

Table A.

The following table presents an estimate of each tax generated during the construction phase and the property tax.

TAX	AMOUNT	RECIPIENT
Sales & Use Tax on materials	\$128,160.00	State of Kentucky
Louisville Metro OL3 Tax for construction contractors	\$42,768.00	Louisville Metro Govern.
Louisville Metro Property Tax as is.	\$376.74	Louisville Metro Govern.
<b>TOTAL</b>	<b>\$277,809.48</b>	

A total of **\$277,809.48** is estimated during the construction period only. It is important to note, however, that property taxes (understanding depreciation) will be a reoccurring yearly tax generated from the Development.

Table B.

The following table presents an estimate of the Louisville Metro OL3 tax generated yearly when the center is fully occupied.

PARTICIPANT	LOUISVILLE METRO OL3 TAX
Employees (90) 1job per 269 sf	\$140,000.00
<b>TOTAL TAX</b>	<b>\$140,000.00</b>

A total of **\$140,000** is estimated to be generated yearly from the Development. It is important to note that fluctuations in the number of employees and the corresponding salaries and wages will occur on a yearly basis. A total of **\$20,350.34** is estimated to be generated yearly in taxes payable to Jefferson County after the development is completed. The Commonwealth of Kentucky will receive approximately, **\$2,971.92** in state real estate tax.

Table C.

The following table delineates an estimate of fees and permits associated with the creation of the Office Development. These fees are a one-time fee.

PERMIT/FEE	AMOUNT	RECIPIENT
MSD Capacity Fee	\$4,779.00	MSD
Planning and Design	\$5,400.00	Louisville Metro Govern
Building Permits	\$10,000.00	Louisville Metro Govern
TOTAL	\$20,179.00	

Total Taxes, and Fees:

It is estimated that the development will generate **\$461,310.74** in taxes, uses fees, and other sources of income to Louisville Metro Government, Jefferson County and the State of Kentucky, after construction and operating for one (1) year. This represent a net positive fiscal impact to the area that does not exist today. These monies may help to offset the amount of residential property tax necessary to maintain and build new infrastructure for this part of Metropolitan Louisville, and may create additional sources of funding for other civic projects in the area.

This fiscal impact report does not consider the yearly fiscal benefit of investments made by the proposed Office Development with regard to improvements to existing roadways, sanitary sewer systems, and water distribution systems in the area.

**For the foregoing reasons, the proposed development complies with Guideline 6 of the Cornerstone 2020 Comprehensive Plan.**

### **C. MOBILITY/TRANSPORTATION (Guidelines 7, 8, 9)**

#### ***Guideline 7. Circulation***

*Ensure a balanced and comprehensive multi-modal transportation network that coordinates with desired growth and development patterns and provides for the movement of people and goods.*

#### ***Guideline 8. Transportation Facility Design***

*Design transportation facilities that are safe and efficient, that minimize adverse impacts upon the community and that accommodate, where possible, all modes of travel, such as trucks, automobiles, transit, pedestrians and bicycles.*

#### ***Guideline 9. Bicycle, Pedestrian and Transit***



*Support transit and non-motorized methods of travel. Provide the necessary infrastructure improvements to accommodate alternative modes of travel.*

The proposed development is located on a site that will enable proper site access and access to a major arterial and where traffic to and from the proposed use will not adversely affect adjacent areas. There is access to the proposed development from Dorsey lane. The entrance is located to facilitate safe vehicular and pedestrian access to and from property and adjacent land uses. Most of the traffic going to the proposed development is already on the street or generated by the existing surrounding land uses. Traffic generated by the site itself should not significantly impact the intersection of Hurstbourne Parkway and Dorsey Lane.

In addition, the development will entertain the dedication of property for future transit amenities. Right-of-way will be dedicated as necessary to meet the minimum requirements of the Land Development Code. The development plan integrates pedestrian accessibility through an interconnected sidewalk network into the property.

**Accordingly, the proposed development complies with Guidelines 7, 8, and 9 of the Cornerstone 2020 Comprehensive Plan.**

#### **D. LIVABILITY/ENVIRONMENT (Guidelines 10, 11, 12, and 13)**

##### ***Guideline 10. Flooding and Stormwater***

*Minimize the potential for and impacts of flooding and effectively manage stormwater.*

##### ***Guideline 11. Water Quality***

*Protect water quality.*

The proposed development is located on a site that will (1) enable proper stormwater handling and release management that will not adversely affect adjacent and downstream properties; (2) provide for necessary upgrades to area-wide water storage and distribution; and (3) create opportunities for stream preservation and passive open space. A stormwater detention basin, as needed will be constructed per MSD Design Criteria to accommodate onsite drainage and mitigate any impacts of the proposed development to the watershed and its capacity to transport stormwater. Additionally, the detention basin will be designed to accommodate historic flows draining through the property. The stormwater detention design will be required to receive approval from Metropolitan Sewer District (MSD) prior to construction of the proposed development. In addition, an Erosion Prevention and Sediment Control Plan utilizing best management practices as recommended by MSD will be

implemented prior to commencing construction on the subject property. Sewer capacity is being reserved for this property which will accommodate the proposed development. As an alternate, an onsite basin may not be constructed if it can be shown that the proposed improvements do not have a negative impact on any of the surrounding property owners.

**Therefore, the proposed development complies with Guidelines 10 and 11 of the Cornerstone 2020 Comprehensive Plan.**

***Guideline 12. Air Quality***

*Minimize, reduce, or eliminate, as necessary and appropriate, through the land use planning and development review process, air pollution from stationary, area, and mobile sources.*

Because the subject site is located in the area which is stable and growing the proposed development has the opportunity to enable and promote a reduction in vehicle miles traveled and increased pedestrian travel in an effort to reduce particulate matter accumulation in the ambient air, in addition to CO2 emissions. The subject site is located on a major arterial that is currently served by TARC. As mentioned previously in relation to the Mobility guidelines, the existing roadway infrastructure provides adequate capacity for the minimal additional traffic this development may generate. Road improvements deemed necessary by KTC or by Louisville Metro will be constructed prior to any issuance of a Certificate of Occupancy.

**For all of the foregoing reasons, the proposed development complies with Guideline 12 of the Cornerstone 2020 Comprehensive Plan.**

***Guideline 13. Landscape Character***

*Protect and enhance landscape character.*

The proposed development is located on a site that will enable creative and code compliant landscaping. The development landscape plan will complement the existing landscapes of adjacent properties and enhance the pedestrian scale by clearly defining pathways, entrance areas, public gathering spaces, parking areas, and access roadways. The development landscape plan will mitigate the impact to neighboring properties. The rear elevations of buildings, and refuse collection areas will be landscaped according the Metro Land Development Code.

The development landscape plan will incorporate a mix of indigenous plants that are hardy and drought tolerant, and will include evergreen plantings (trees, shrubs, groundcovers, ornamental grasses, and evergreen herbs). The landscape plan will attempt to utilize drip irrigation systems for water conservation. Accordingly, the proposed development complies with Guideline 13 of the Cornerstone 2020 Comprehensive Plan.

## **E. COMMUNITY FACILITIES (Guidelines 14 and 15)**

### ***Guideline 14. Infrastructure***

*Provide for necessary infrastructure and ensure that carrying capacity of the land is adequate for proposed development.*

### ***Guideline 15. Community Facilities***

*Review community facility location and design to ensure compatibility with existing development.*

The development will provide, as required, for the orderly expansion of water supply and sewerage systems within the community to meet the needs of current and future residents while taking into consideration the impacts of cost, public health, surrounding land use, and environmental impacts. The development will participate, as necessary, with the renovation and improvement of existing water supply and sewerage collection systems in the existing area, to provide for additional sanitary sewer capacity and reliability, as well as, water pressure for domestic use and fire protection flows. The proposed development will comply with all applicable local, state, and federal laws and regulations on water and sewerage planning collection, distribution and management. It is located where water, sewer, and other utility services exist and can be extended or upgraded systematically in concert with the availability of other public facilities and neighborhood needs.

This proposed development will utilize existing infrastructure and seek to accommodate necessary upgrades to enhance the level of service currently expected by the neighborhood. Property will be made available on site to accommodate necessary public improvements as required and requested by MSD, Louisville Water Company, and the applicable fire protection district in order to provide the infrastructure needs necessary to further promote the protection and preservation of this unique area.

**Accordingly, the proposed development complies with Guidelines 14 and 15 of the Cornerstone 2020 Comprehensive Plan.**

## **KRS 100.213 COMPLIANCE**

As demonstrated herein, this requested rezoning complies with KRS 100.213 because the proposed development complies with the Cornerstone 2020 Comprehensive Plan. In addition, the R-4 Single Family Residential classification is inappropriate and the OR-3 classification is appropriate for the subject property. The Neighborhood Form District is appropriate for the subject property. The proposed development is a logical extension of the existing neighborhood and Office uses found on the north and west sides of the Property. With the approval and managed construction of the Hurstbourne Parkway Corridor as well as the population growth and residential development in the area, as described previously in this justification, there have been positive changes of an economic, physical and social nature in the area and this rezoning is in-line with these changes.